

FILED  
IN CLERK'S OFFICE  
US DISTRICT COURT ED NY  
★ MAY 26 2011  
BROOKLYN OFFICE

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
Gary La Barbera, et al.,

Plaintiffs,

- against -

Cross River Contracting Co., LLC, and  
Jani Rodriguez,

Defendants.

-----X  
Cross River Contracting Co., LLC,

Third Party Plaintiff,

- against -

Building Material Teamsters Local 282 IBT,  
Vanessa Rodriguez, Finesse Construction,  
LLC, and Innovative Disposal Systems, LLC,

Third Party Defendants.

-----X  
GERSHON, United States District Judge:

This action was commenced on December 15, 2006. On July 7, 2008, Cross River Contracting Co., LLC ("Cross River") entered into a Consent Judgment with plaintiff, Trustees of Local 282 International Brotherhood of Teamsters Welfare, Pension, Annuity, Job Training and Vacation Sick Leave Trust Funds, agreeing to pay unpaid contributions, interest and other costs. Defendant Jani Rodriguez did not appear and, on May 14, 2008, the Clerk of Court entered default against him. On June 5, 2009, this court adopted Magistrate Judge Cheryl L. Pollak's Report and Recommendation and ordered the entry of a default judgment against Mr. Rodriguez for unpaid contributions, interest, liquidated damages and other costs.

Now before the court is the unopposed Report and Recommendation of Magistrate Judge

clm

Pollak, dated April 6, 2011, recommending dismissal of the claims in the Third Party Complaint against Building Material Teamsters Local 282 IBT ("Local 282") with prejudice. Judge Pollak carefully reviewed the applicable considerations in reaching her conclusion and I endorse and adopt her analysis. The Clerk of Court is directed to enter judgment dismissing the Third Party Complaint against Local 282 and close the case.

SO ORDERED.

---

NINA GERSHON  
United States District Judge

Dated: Brooklyn, New York  
May 20, 2011